

**STRATEGIC PLAN
FOR STATEWIDE JUVENILE DISPROPORTIONATE MINORITY CONTACT
MONITORING, REDUCTION AND PREVENTION EFFORTS**

**Submitted to
Vermont's Children and Family Council for Prevention Programs
by**

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I. INTRODUCTION

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 2002 requires states participating in the Formula Grants Program to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system” (section 223 (a)(22)). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires States to carry out five phases or core strategies to satisfy this mandate:

- Identification – to determine the extent to which Disproportionate Minority Contact (DMC) exists;
- Assessment – to assess the reasons for DMC, if it exists;
- Intervention – to develop and implement intervention strategies to address these identified reasons;
- Evaluation – to evaluate the effectiveness of the chosen intervention strategies;
- Monitoring – to note changes in DMC trends and to adjust intervention strategies as needed (<http://www.ojjdp.ncjrs.org/dmc>).

This Strategic Plan makes recommendations pertaining to each of these phases, and proposes a timeline for implementing them during the three-year period, July 1, 2006 – June 30, 2009. The Plan recommends hiring a DMC Coordinator to carry out most of the outlined work, in consultation with Vermont’s Juvenile Justice Specialist and members of the DMC Committee of Vermont’s Children and Family Council for Prevention Programs (CFCPP). The Strategic Plan is divided into five sections:

- I. Introduction;
- II. Five Phases of DMC monitoring, reduction and prevention (identification; assessment; intervention; evaluation; and monitoring);
- III. Time Line for Implementing the Strategic Plan;
- IV. Hiring and Responsibilities of a DMC Coordinator; and
- V. Summary of Recommendations/Priorities.

II. FIVE PHASES OF DMC MONITORING, REDUCTION AND PREVENTION

1. IDENTIFICATION

To address DMC in the juvenile justice system, it is first necessary to determine whether and where DMC is apparent. This is accomplished by compiling statistics related to the numbers of white and minority juveniles who come in contact with various points in the juvenile justice system. These numbers are translated into rates, which are then compared for white and minority youths using the Relative Rate Index.

Currently, data collected for DMC identification purposes includes population figures for juveniles aged 10-17 by race/ethnicity, and the numbers of juveniles within each group who have come in contact with the juvenile justice system at nine points: arrest; referral to juvenile court; diversion; secure detention; delinquency petition (considered to be the same as referral to juvenile court); delinquent finding; probation placement; confinement in secure juvenile correctional facility; and transfer to adult court. Racial/ethnic groups included in past identification efforts are: Caucasian/White; Black; Asian; Native American; and Hispanic/Latino. Additional categories may be added as relevant.

Issues surrounding DMC identification include the content of the data collected, the quality of data, and the frequency with which data is collected.

Data Content. Although Vermont uses OJJDP's standard data collection (contact) points, these can be tailored to a particular state's juvenile justice system. That is, a state can and should define these indicators in ways that are meaningful to their juvenile justice system, and add any other important contact points that may help identify if and where DMC enters the system. After the content of desired data has been determined, appropriate data sources and/or new methods of data collection can then be identified.

Recommendation 1 (DMC Committee, JJ Specialist, DMC Coordinator): Review current data collection points to assure that there is no ambiguity in the meaning of these indicators and the extent to which they fit Vermont's juvenile justice system. Determine whether additional indicators or decision-making/contact points would be useful (technical assistance from OJJDP is available to assist with this process).

Recommendation 2 (DMC Committee, JJ Specialist, DMC Coordinator): Consider whether any additional racial/ethnic categories should be added to the DMC identification data collection phase. For example, the DMC Committee has expressed interest in monitoring the contact of white ethnic immigrants with the juvenile justice system, particularly in Chittenden County. Since this type of ethnicity data is not currently available, changes in the data collected by law enforcement and the courts would be required to accommodate this interest.

Data Quality. Missing data related to the race/ethnicity of juveniles has been an on-going problem for both arrest and court data. However, a commitment by Michael Pratt (Director of Trial Operators, Office of the Court Administrator) to reduce the amount of missing race/ethnicity data has already resulted in near total elimination of missing data from adult court data for state fiscal year 2005 (FY05). He is also working to improve the quality of race/ethnicity data in family court data.

Recommendation 3 (DMC Coordinator): Monitor improvements in the quality of race/ethnicity data by evaluating quarterly court data, and provide feedback to the Court Administrator's Office concerning the percentage of missing race/ethnicity data for both family and adult courts.

Most missing race/ethnicity data has resulted from court clerks not entering the data even when it is available. However, in some cases police did not record the race of the arrested juvenile (it is recorded as “unknown” or left blank). Consequently, race/ethnicity data are not always available for court clerks to enter. This suggests that interventions with law enforcement officers are also needed, via representatives of the Association of Police Chiefs and Sheriffs and the Vermont State Police. The numbers of minority youth arrested is small, particularly at the county level, so counting or not counting as minorities those individuals with missing race/ethnicity data can mean the difference between identifying or not identifying a county as having disproportionate minority arrests. Therefore, it is preferable to have accurate data rather than to speculate whether arrestees for whom this information is missing might in fact be minorities.

Recommendation 4 (DMC Coordinator and JJ Specialist): *Work with law enforcement to standardize juvenile arrest sheets and delinquency petitions to include the race/ethnicity of the individual involved.*

Note that the race/ethnicity of an arrestee is currently assessed by the arresting officer rather than reported by the arrestee. It could be argued that if an arresting officer did not record the race/ethnicity of an arrestee, it is probably because the officer was uncertain of the arrestee’s race/ethnicity (i.e., he/she was not obviously white). Rather than assume that such an arrestee was probably a racial/ethnic minority, or assume that a law enforcement officer’s assessment of an arrestee’s race/ethnicity is correct even when indicated, an alternative approach would be for police officers to ask arrestees to identify their race/ethnicity. Although this approach would likely result in more accurate information, law enforcement standards dictate the use of visual determination. Attempts to change this would undoubtedly meet with resistance and result in inconsistent implementation. Moreover, perceptions of a suspect or offender’s race/ethnicity is probably more important in influencing the behavior of those in the juvenile justice system than is self-identity.

Another issue surrounding data quality is that complete arrest data was not available from the Vermont Crime Information Center (VCIC) for the state FY05 DMC identification phase. Consequently, a less accurate proxy measure—offender data—was used. VCIC recently made arrest and related data from the National Incident Based Reporting System (NIBRS) available on its website, but updates are behind schedule. Although law enforcement officers enter arrestee data at time of arrest, the data goes to the FBI before being sent to VCIC. The Vermont Center for Justice Research is also involved in checking the data for errors before the data is ultimately loaded on the VCIC website. The VCIC website advises users that data should not be considered complete for one year, but perhaps this time will be reduced as those involved become more familiar with the new reporting system.

Recommendation 5 (DMC Coordinator, JJ Specialist): *Update FY05 DMC identification data when more accurate data becomes available.*

Recommendation 6 (DMC Coordinator, JJ Specialist): *If arrest data used for DMC identification purposes appears to be incomplete, consider using data one year older than the reporting year. If this approach is taken, court data should correspond to the arrest year.*

Frequency of Data Collection. Although OJJDP requires submission of DMC identification data and RRI's only every three years, annual data collection is recommended. Identifying DMC points and relevant geographic areas early will allow for more rapid intervention efforts. DMC points that have become entrenched in the juvenile justice system will be more difficult to eradicate than those that are newly identified. Trends can also be seen more easily when more years of data are accumulated.

Recommendation 7 (DMC Coordinator): *Collect DMC identification data and calculate RRI's on an annual basis, and look for patterns and trends over time.*

Recommendation 8 (DMC Coordinator): *After data content and sources have been identified, request data from these sources at one time rather than in an ad hoc fashion. Stipulate exactly what data are needed, the time period covered, the level of aggregation (e.g., county), and the date by which the data are needed.*

2. ASSESSMENT

Data gathered for DMC identification may indicate a need for more in-depth assessments of particular points in the juvenile justice system and/or particular counties where DMC is apparent. Although statistically significant results obviously deserve attention, the small numbers of minority juveniles at the county level often make it impossible for statistical significance to be achieved. Therefore, a more relaxed significance level should be considered when making decisions about which areas merit assessment.

Recommendation 9 (DMC Coordinator, JJ Specialist): *Given the small minority population in Vermont, patterns and trends should be considered in determining whether assessments are merited, even when findings do not achieve statistical significance.*

To date, two DMC assessments have been conducted by Dr. Marcia Bellas, Research Associate at the Vermont Center for Justice Research: *Disproportionate Minority Contact at Woodside's Detention Program, October 1, 2000-September 30, 2002*, and *Disproportionate Minority Arrests Among Juveniles in Vermont, Fiscal Years 2003 and 2004*. The Woodside study examined Department of Children and Families' (DCF) and court data to identify the decision-making points at which disproportionate confinement occurred, and any racial differences in behavior and histories that might help explain differences in confinement rates. The analyses indicated that disproportionate minority confinement at Woodside appears to stem from DCF decision-making. Specifically, minorities were more likely than whites to be admitted by flexible order or

administratively by DCF. These types of admissions characterized female minorities in particular, most of whom were admitted for running away and intoxication. These admissions tended to be for one night at the most, suggesting that Woodside serves as a safe place to hold minority females until a crisis situation is resolved or a more suitable placement can be arranged. Why this use of Woodside disproportionately affects minority females could not be determined from the data, but merits further investigation.

Data from the most recent DMC identification continue to show that minorities are securely detained at a rate disproportionate to their representation in the population. In state FY05, minorities were detained at more than four times the rate of white youths, although the difference did not achieve statistical significance. This finding suggests that issues related to the admission of female minority youths identified in the previous assessment have continued, and/or that additional factors have contributed to the disproportionate detention of minority youths.

Recommendation 10 (DMC Committee, JJ Specialist, DMC Coordinator):
Determine what, if any, evaluations/interventions have been implemented by DCF, and whether another assessment of Woodside admissions appears merited to determine whether DCF admissions of female minorities continues to account for disproportionate minority admissions, or whether other factors are at work.

The second DMC assessment examined arrest data for Burlington and South Burlington in Chittenden County, Barre in Washington County, and Bennington in Bennington County because these three counties showed disproportionate minority arrests in federal fiscal years 2003 and 2004. The municipalities identified are those where most arrests occur. The analyses showed that minority youths in Bennington, and to a lesser extent in Barre, were more likely to be arrested for violent offenses, while those in Burlington and South Burlington were more likely to be arrested for property offense, primarily retail theft. The most recent DMC identification (state FY05) also showed disproportionate minority arrests in Chittenden and Bennington Counties, suggesting that these patterns related to types of offenses may have continued, and interventions are needed.

Recommendation 11 (DMC Committee, JJ Specialist, DMC Coordinator):
Determine whether an assessment of FY05 arrest data for Chittenden and Bennington counties is merited.

Note that assessments may reveal the need for new or more detailed data. If this occurs, attempts should be made to obtain the data if available, or make the case to appropriate agencies for why such data would be valuable and request cooperation in collecting it for future assessments.

Recommendation 12 (DMC Coordinator): *Continue to conduct assessments as indicated by DMC identification data, and identify any additional data that would contribute to these assessments.*

3. INTERVENTION

Theresa Lay-Sleeper, Juvenile Justice Specialist, distributed the report from the assessment of Woodside admissions to Woodside's Director and appropriate DCF staff. In addition, the CFCPP offered Formula Grants to help create alternatives to detention in Chittenden County, where most detentions occur. DCF began a review of the entire youth placement system, but this review has been set aside. A new detention alternatives' committee has been formed and has submitted a grant proposal to CFCPP. The proposal includes development of a risk assessment instrument to minimize the role that subjectivity plays in placements.

Recommendation 13 (CFCPP, JJ Specialist): *Support DCF and the Department of Corrections (DOC) in their efforts to develop a risk assessment instrument and expand detention alternatives, and monitor progress toward these goals.*

Nothing has been done with the report resulting from the assessment of arrests in federal fiscal years 2003 and 2004. Obviously, assessments are of minimal utility if findings are not shared with those involved in decision-making, and if intervention efforts are not implemented. The finding that minority youths in Burlington and South Burlington are more likely than white youths to be arrested for retail theft, perhaps because of racial profiling by store personnel, is admittedly a difficult area in which to intervene. While changing the behavior of store personnel may not be possible, changing the behavior of minority youths may be a less intractable problem, and could be considered by community groups convened to address DMC. A better understanding of the characteristics of offenders and offenses may lead to intervention strategies targeted toward specific types of youths (e.g., by age or sex) or specific neighborhoods within communities. Providing information and education to law enforcement about DMC and disseminating findings from recent identification and assessment phases is also critical.

Following the Burns Institute model of addressing DMC, a group of stakeholders should be identified in communities showing DMC, including but not limited to representatives of various contact or decision-making points in the juvenile justice system. After sharing identification and assessment data with this group, the JJ Specialist and DMC Coordinator can provide or arrange for technical assistance as needed, and work with the group to identify additional data needs, and ultimately develop policy and programmatic strategies designed to reduce DMC. Grant incentives for DMC interventions should be offered, and the findings and recommendations of the group publicized to increase community support and accountability.

Recommendation 14 (JJ Specialist, DMC Coordinator): *Identify and convene a group of stakeholders in Burlington-South Burlington, since Chittenden County has consistently shown DMC in arrests. This group will examine identification and assessment data, be provided with technical assistance as needed, work to develop intervention strategies, and be given feedback from future DMC monitoring and evaluations of intervention efforts.*

After the Burlington group is established, this model can be applied to other communities. While counties may not show statistically significant levels of DMC every year, interventions in counties that “percolate” to the top with some regularity or have sizable proportions of minorities may help reduce the level of DMC observed and prevent higher levels of DMC from occurring in the future. Based on DMC identification data collected to date, the most appropriate counties for intervention strategies appear to be Bennington, Rutland, and perhaps Washington.

Recommendation 15 (JJ Specialist, DMC Coordinator): Prioritize counties according to their apparent need for interventions based on DMC identification data.

4. EVALUATION

Intervention strategies should be evaluated, both to encourage accountability among grantees and to assure the effectiveness of intervention efforts. This can be accomplished in a variety of ways. Successful interventions will hopefully reduce DMC, and this will be reflected in data compiled for identification (and monitoring) purposes (it is possible, however, that DMC may initially appear to rise as data quality improves). Programs that receive grants for intervention programs should also be required to include an evaluation component to assess the program’s impact. This would be included in each grant’s budget. The DMC Coordinator can provide technical assistance in designing and carrying out program evaluations. A variety of evaluative methods might be considered, such as surveying or interviewing members of community stakeholders groups and participants in intervention programs.

Recommendation 16 (JJ Specialist, DMC Coordinator): Evaluating intervention strategies should be an integral part of DMC intervention strategies, and the DMC Coordinator can provide technical assistance with evaluation design or implementation.

5. MONITORING

As previously indicated, OJJDP requires reporting of DMC identification data only every three years, but annual data collection and RRI calculations will permit earlier detection of DMC and the development of appropriate interventions (see Recommendation 7). Trends can also be monitored more easily when data is collected annually. As specified in the Intervention and Evaluation sections, intervention grants to community partners and agencies should also be monitored for program effectiveness and evidence of additional problem areas that might point to a need for new identification, assessment, and/or intervention strategies.

III. TIMELINE

The time period for implementation of the activities outlined in this Strategic Plan is July 1, 2006-June 30, 2009. The first task is to hire a DMC Coordinator, since this

person will conduct most of the work related to DMC monitoring, reduction and prevention efforts. Ideally, this individual would begin work on July 1, 2006.

Summer, 2006:

- Research relevant literature and “best practices” in the DMC area, particularly those relevant to small states and those with small minority populations
- Review OJJDP’s DMC technical manual and other materials
- Update FY05 data (arrest and court), and begin any assessments of that data

Fall and Winter, 2006:

- DMC identification using FY06 arrest and court data if accurate arrest data is available
- Finish any assessments of FY05 data
- Begin work to standardize juvenile arrest and delinquency petition sheets
- Identify Chittenden County stakeholders; plan and schedule initial meeting to share DMC identification data and assessment(s), identify any technical assistance needs, and begin intervention strategizing
- Begin assessment of FY06 data if indicated
- Update Vermont’s three-year plan, and present to DMC Committee

Spring and Summer, 2007:

- Implement standardized juvenile arrest and delinquency petition sheets
- Identify stakeholders in two other counties that have shown DMC; plan/schedule initial meeting
- Continue to meet with Chittenden County group
- Develop RFP for intervention grants; provide technical assistance to grant applicants as needed
- Finish any assessments of FY06 data
- Review first year of risk assessment and juvenile detention data
- Obtain reports from DCF/DOC regarding risk assessment instrument
- Review progress of development of detention alternatives by DCF/DOC

Fall and Winter, 2007:

- Review proposals for intervention grants; award grants (to start January, 2008)
- Meet with community groups as needed
- DMC identification using FY07 arrest and court data
- Begin assessment of FY07 data if indicated
- Update Vermont’s three-year plan, and present to DMC Committee
- Review arrest data for completeness of race/ethnicity data

Spring and Summer, 2008:

- Finish any assessments of FY07 data
- Monitor interventions implemented by grantees; provide technical assistance as needed (e.g., evaluation component)
- RFP for second round of intervention grants; provide technical assistance as needed

- Review arrest data for completeness of race/ethnicity data

Fall and Winter, 2008:

- Review reports submitted by first round of intervention grantees
- Review proposals for second round of intervention grants; award grants (to start January, 2009)
- DMC identification using FY08 arrest and court data
- Begin assessment of FY08 data if indicated
- Develop new three-year DMC plan, and present to DMC Committee
- Review arrest data for completeness of race/ethnicity data

Spring, Summer 2009:

- Finish any assessments of FY08 data
- Review arrest data for completeness of race/ethnicity data
- RFP for third round of intervention grants; provide technical assistance as needed

IV. DMC COORDINATOR

A DMC Coordinator will provide a sustained focus on DMC issues in Vermont's juvenile justice system, and permit the State to move forward in working to reduce the DMC documented to date and prevent DMC from expanding into new areas.

Recommendation 18: Hire a part-time DMC coordinator on a contractual basis to assume primary responsibility for DMC monitoring, reduction and prevention efforts.

The DMC Coordinator will work with and report directly to the Juvenile Justice Specialist, but will also be accountable to the DMC Committee and ultimately, to the CFCPP. The DMC Coordinator will serve as a resource to these constituents, providing information about data, research, and recommendations and best practices at the national and state levels. S/he will also collaborate and assist the JJ Specialist and DMC Committee in developing priorities and accomplishing established goals. The Coordinator will serve as a liaison to OJJDP's DMC staff, and will be responsible for required reports to OJJDP in the area of DMC. S/he will also be available to assist community partners and those in the juvenile justice system who are involved in DMC reduction and prevention efforts, drawing on technical assistance from OJJDP as needed.

V. SUMMARY OF RECOMMENDATIONS/PRIORITIES

This Strategic Plan makes recommendations concerning the monitoring, reduction and prevention of DMC in Vermont's juvenile justice system. It also suggests that a DMC Coordinator be contracted to carry out most of this work between July 1, 2006 and June 30, 2009, under the direction of the JJ Specialist and the DMC Committee of the CFCPP.

In addition to this recommendation, the Plan makes specific recommendations in the areas of DMC identification, assessment, intervention, evaluation and monitoring. Priorities are summarized below.

Identification:

- Review OJJDP data identification grid for clarity and fit with Vermont's juvenile justice system (both contact points and racial/ethnic categories)
- Work to improve the quality of arrest and court data, with the goal of near complete racial/ethnic data
- Update FY05 data as more accurate data becomes available
- Collect DMC identification data and calculate RRI's annually; examine for trends over time

Assessment:

- Determine whether assessment of Woodside FY05 data is merited
- Determine whether assessment of FY05 arrest data for Chittenden and Bennington counties is merited
- Identify additional data that might contribute to the value of assessments

Intervention:

- Continue to encourage DCF/DOC to develop an objective risk assessment instrument for secure detention and a greater range of detention alternatives; monitor progress
- Identify and convene a group of stakeholders in Chittenden County to address DMC in arrests, and in other counties/communities where DMC is evident
- Provide education about DMC and identification and assessment data to law enforcement
- Initiate grants program to assist with DMC efforts in these counties/communities

Evaluation:

- Evaluate intervention strategies for effectiveness

Monitoring:

- Continue to monitor DMC through annual data collection and other methods as needed

Taken together, these steps will move Vermont toward the goal of eliminating DMC from its juvenile justice system, and provide the vigilance required to keep DMC from becoming entrenched in the system and therefore more difficult to eradicate.